

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
November 14, 2012

REGULAR MEETING

Darien Town Hall - Room 206 – 7:45 to 9:24 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Jeff Williams, Steve Olvany, John Ashburne and Rich Wood

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Vice-Chair Chuck Deluca opened the meeting at 7:45 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENTS AND CONTINUATIONS

Mr. Deluca announced that the Public Hearing of Calendar No. 45-2012, the application of Kathleen and Hugh Golden, 22 Sunset Road, is reopened and recontinued to December 12, 2012, at the applicant's request.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the October 17, 2012 meeting with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 46-2012 - the application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Maplewood of Darien filed on September 19, 2012 for a variance of Section 924 of the Darien Zoning Regulations, to allow the installation of two monument signs; Section 924: installation of monument signs where none are permitted, in lieu of wall signage. The property is situated on the north side of Boston Post Road at the northeast corner formed by the intersection of Brookside Road and Boston Post Road and is shown on Assessor's Map #14 as Lot #33, being 599 Boston Post Road and located in a DB-2 (commercial) Zone and an R-1/2 (residential) Zone.

Attorney Amy Zabetakis answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 47-2012 - the application of Donald Sibilio and Darien Construction on behalf of Edgewood Partners, LLC filed on October 17, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 68.0 in lieu of 80.0 feet minimum required lot width, and 10,889 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 68.0 in lieu of 80.0 feet minimum required lot width. The property is situation on south side of Edgewood Road at the southeast corner formed by the intersection of Herman Avenue and Edgewood Road and is shown on Assessor's Map #20 as Lot #94, being 31 Edgewood Road and located in an R-1/3 (residential) Zone.

Architect Jacek Bigosinski and property owner Ginny Greene answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Michael Brennan supported and questioned an aspect of the application. The Public Hearing was then closed.

CALENDAR NO. 48-2012 - the application of Christopher McCagg and James G. Rogers Architects on behalf of Pat Morrissey and Darien YMCA Inc. filed on October 17, 2012 for variances of Section 927 of the Darien Zoning Regulations; to allow installation of a replacement hanging sign and the installation of two wall signs; 0 in lieu of 40 feet front yard setback for the hanging sign, 2 in lieu of 1 maximum wall sign, and 21.33 in lieu of 6.0 maximum total square feet for the wall signs. The property is situated on the south side of Boston Post Road approximately 150 feet east of the intersection of Weeds Landing and Boston Post Road, and it is situated south of the intersection of Gardiner Street and Boston Post Road, and is shown on Assessor's Map #53 as Lot #60, being 2420 Boston Post Road and located in an R-1/2 (residential) Zone.

Architect Chris McCagg and Pat Morrissey, YMCA Manager, answered various questions and explained the proposal depicted on the submitted plans and described in the

application materials. Joan Hessmer of Weeds Landing objected to the application. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 46-2012 - The application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Maplewood of Darien, 2420 Boston Post Road. Upon a motion by Vic Capellupo, seconded by John Ashburne, the ZBA voted 4-0-1 to GRANT WITH STIPULATIONS the above delineated, requested variance. Jeff Williams abstained from voting.

CALENDAR NO. 47-2012 - The application of Donald Sibilio and Darien Construction on behalf of Edgewood Partners, LLC, 31 Edgewood Road. Upon a motion by John Ashburne, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance and interpretation.

CALENDAR NO. 48-2012 - The application of Christopher McCagg and James G. Rogers Architects on behalf of Pat Morrissey and Darien YMCA Inc., 2420 Boston Post Road. Upon a motion by Jeff Williams, seconded by Chuck Deluca, the ZBA voted 4-1 to GRANT the above delineated, requested variance. Those voting in favor of the motion were Chuck Deluca, Jeff Williams, Vic Capellupo and Rich Wood. John Ashburne was opposed to the motion. State of Connecticut Statutes requires 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is granted.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested six month extension, received October 31, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 5 -2012, Matt and Ashley Cole (contract purchasers from Aquarion Water Company), 23 Chestnut Street. The Public Hearing of this matter was March 21, 2012. Initial ZBA approval would have expired on September 30, 2012. Following an April 10, 2012 request, on April 25, 2012 the ZBA granted a six month extension to March 30, 2013.

Upon a motion by Chuck Deluca, seconded by John Ashburne, the ZBA voted 5-0 to GRANT A SIX MONTH EXTENSION.

Requested one year extension, received October 31, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 6 -2012, Gabriela Mocanu and Hassan A. Shakir (contract purchasers from Aquarion Water Company), 27 Chestnut Street (formerly 250 Noroton Ave). The Public Hearing of this matter was March 21, 2012. Initial ZBA approval would have expired on September 30, 2012. Following an April 10, 2012 request, on April 25, 2012 the ZBA granted a six month extension to March 30, 2013.

Upon a motion by Chuck Deluca, seconded by John Ashburne, the ZBA voted 5-0 to GRANT A SIX MONTH EXTENSION.

Requested six month extension, received November 2, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 17-2012, Corrine Collins, 114 Nearwater Lane. The Public Hearing of this matter was April 25, 2012. Initial ZBA approval would have expired on November 4, 2012.

Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT A SIX MONTH EXTENSION.

Approval of Minutes of meeting on September 12, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and John Ashburne.

Upon a motion from Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on September 19, 2012. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.

Upon a motion from Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on October 23, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Chuck Deluca, and Al Tibbetts.

Upon a motion from Chuck Deluca, seconded by Jeff Williams, the ZBA voted 5-0 to APPROVE the subject minutes.

Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.

Various recommendations were considered. The ZBA then determined that this matter would be tabled to the next meeting on December 12, 2012.

ADJOURNMENT

The meeting was adjourned at 6:24 PM.

These Meeting Minutes,
Respectfully submitted November 19, 2012,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Vic Capellupo, seconded by Chuck Deluca, the ZBA voted 6-0 to approve the minutes at the ZBA meeting on January 9, 2013. Vic Capellupo, Chuck Deluca, Stephen Olvany, Rich Wood, John Ashburne and Ruth Anne Ramsey voted in favor of the motion. Jeff Williams previously indicated his approval.